

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
NO. 3:17-cv-22**

CURTIS NEAL,
*on behalf of himself and others similarly
situated,*

Plaintiff,

v.

WAL-MART STORES, INC,
d/b/a WALMART, and

SYNCHRONY BANK,

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion to Lift Stay (Doc. No. 26). Defendants responded, requesting a status conference to discuss this matter with the Court. A telephonic status conference was held on April 23, 2018.

This matter was stayed on June 9, 2017, pending the resolution of a case involving the FCC's regulations interpreting the Telephone Consumer Protection Act (TCPA). That case, *ACA International v. FCC*, 885 F.3d 687 (D.C. Cir. 2018), was decided on March 16, 2018.

However, two similar cases are pending in other federal districts: *Mott v. Synchrony Bank*, No. 8:18-cv-275-MSS-AAS (M.D. Fla. filed Feb. 2, 2017), and *Campbell v. Synchrony Bank*, No. 1:17-cv-080-MAD-DJS (N.D.N.Y. filed Jan. 25, 2017). This case was filed earliest of the three, on January 17, 2017. In *Mott*, the plaintiff has filed a motion to transfer the case to this District, which is currently pending, and the parties have represented that a motion to transfer will also be filed shortly in *Campbell*.

The Court finds that staying this matter in order to allow time for the resolution of the motions to transfer in *Mott* and *Campbell* is appropriate in light of the interests of judicial economy and efficiency of the discovery and class certification processes.

Accordingly, the Court hereby **ORDERS** the following:

- (1) the stay previously imposed (Doc. No. 25) is terminated;
- (2) this matter is stayed for sixty (60) days, subject to an early termination of the stay upon the resolution of the motions to transfer in *Mott* and *Campbell*.

SO ORDERED.

Signed: April 24, 2018

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

